



ANNO QUINTO & SEXTO

GULIELMI IV. REGIS.

Cap. xciii.

An Act to amend an Act relating to the *Bodmin and Wadebridge Railway*. [30th July 1835.]

WHEREAS an Act was passed in the Second Year of the Reign of His present Majesty, intituled *An Act for making and maintaining a Railway from Wadebridge in the Parish of Saint Brooke to Wenford Bridge, Saint Breward, with a Collateral Branch to the Borough of Bodmin, and certain other Branches, all in the County of Cornwall*: And whereas the said Company have laid down the said Railway and Branches; but the Sums which they were authorized and empowered to raise by the said recited Act by Subscriptions amongst themselves and by Mortgage have been found to be insufficient to complete all the Works which by the said Act the said Company are authorized to construct, and it is expedient that the said Company should be authorized to raise a further Sum of Money, and that some of the Powers and Provisions contained in the said recited Act should be altered, amended, and enlarged: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Powers, Authorities, Penalties, Payments, Remedies, Regulations, Matters and Things contained in the said recited Act (except such of them or such Parts thereof respectively as are repealed; altered, or otherwise provided for) shall extend and be construed to extend to this Act, and shall operate and be in force as fully and effectually to all Intents and Purposes whatsoever as if the same Powers, Authorities, Penalties, Payments, Remedies, Regulations, Matters, and Things were repeated and re-enacted in this Act, and made Part thereof.

2 & 3 W. 4.
c. 47.

Extending
Powers of
former Act
to this Act.

[Local.]

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II. And

Power to
borrow more
Money.

II. And be it further enacted, That it shall be lawful for the said Company, at any Time or Times hereafter, to borrow and take up at Interest on the Credit of the said Undertaking any Sum or Sums of Money not exceeding in the whole the Sum of Five thousand Pounds, in addition to the several Sums which by the said recited Act they are authorized to raise, any thing in the said recited Act contained to the contrary notwithstanding.

Saving
Rights of
Commis-
sioners for
Issue of Ex-
chequer
Bills in aid
of Public
Works,
appointed
by 1 & 2 W. 4.
c. 24.

III. And whereas the Commissioners nominated and appointed in and by an Act of Parliament made and passed in the First and Second Years of the Reign of His present Majesty King *William* the Fourth, intituled *An Act to amend several Acts for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries and Employment of the Poor, and to authorize a further Issue of Exchequer Bills for the Purposes of the said Acts*, and the several Acts therein recited, mentioned, or referred to, and an Act subsequently passed for amending the same, did, on or about the Twenty-ninth Day of *September* One thousand eight hundred and thirty-four, consent to advance and lend the said Company of Proprietors a Loan of Eight thousand Pounds in Exchequer Bills, and upon such Advance the said Company of Proprietors did, by an Indenture bearing Date the said Twenty-ninth Day of *September* One thousand eight hundred and thirty-four, assign to *John Strettell Brickwood*, the Secretary of the said Commissioners, all that the said Railway and Undertaking called the *Bodmin and Wadebridge* Railway, and all Works, Lands, and Property of what Nature or Kind soever belonging or which might at any Time thereafter belong thereto or be connected therewith, and all Rates, Tolls, Profits, and Receipts whatsoever accruing or which should or might thereafter accrue, arise, be taken, collected, or received by or for the Use of the said Company under or by virtue of the said herein-before recited Act of the Second Year of the Reign of His present Majesty King *William* the Fourth, or any subsequent Act or Acts of Parliament relating to the said Railway, or otherwise, to secure Repayment of the said Advance by annual Instalments, with Interest, as in the said Indenture is particularly expressed; be it therefore further enacted, That nothing in this Act contained shall extend to invalidate, annul, abridge, or affect the said in part recited Indenture of Mortgage of the Twenty-ninth Day of *September* One thousand eight hundred and thirty-four, or any of the Powers, Rights, and Remedies upon and in respect of the same; and all Powers, Authorities, Rights and Privileges, Lands and Tenements, Works and Property whatsoever, which shall hereafter become conveyed to or vested in the said Company under and by virtue of this Act are hereby enacted and declared to form Part of and to be comprised in and among the Premises, Authorities, and Interests conveyed and assigned by the said Indenture of Mortgage; and that the said Indenture of Mortgage shall have Priority over and shall precede any Mortgage, Bond, or other Security whatsoever already granted or entered into by the said Company of Proprietors, or which shall or may hereafter be granted or entered into by the said Company under or by virtue of the said herein-before recited Act or this Act, or any other Act or Acts relating to the said Railway and Undertaking, and also shall have Priority over and shall precede all other Liabilities, Claims, and Securities whatever chargeable

chargeable on the Property mentioned and referred to in the said Indenture under the Provisions of the said recited Act or this Act, or either of them, or any subsequent Act or Acts of Parliament relating to the said Railway or any Works which are now or shall at any Time hereafter be connected therewith, and all Dividends and Division of Profits or Interest upon any Sum or Sums advanced or contributed or which shall or may hereafter be advanced or contributed for the carrying on or completing the said Railway or any Branches or Works which are now or shall at any Time hereafter be connected therewith, until the Principal Money and Interest secured to the said Commissioners or their Secretary for the Time being under the said Indenture, or which shall hereafter be secured by any future Mortgage, Charge, or other Security to be granted or entered into by the said Company to the said Commissioners or their Secretary for the Time being, shall be fully paid and satisfied, compounded, liquidated, or otherwise discharged; any thing contained in the said recited Act or this Act, or either of them, to the contrary notwithstanding.

IV. And be it further enacted, That it shall be lawful for the said Company, at any Time or from Time to Time, by Order of any General Meeting or Special General Meeting, to borrow of the said Commissioners all or any Part of the said Sum of Five thousand Pounds which by this Act they are empowered to raise, and by Deed or Deeds under the Common Seal and at the Costs of the said Company to assign and assure to the Secretary for the Time being of the said Commissioners, and as they shall direct, (free from all Incumbrances,) the said Undertaking, and all the Works and Property of the said Company, as well present as future, and all Rates, Tolls, Profits, and Receipts accruing and thereafter to accrue to or for the Use of the said Company under the said first-recited Act and this Act, or any subsequent Act or Acts of Parliament, or otherwise, for securing to the said Commissioners the Repayment of the Amount of the Exchequer Bills to be so borrowed as aforesaid, by such Instalments as will liquidate the Principal within Twenty-five Years from the Date of the Advance; the first Instalment to be payable within Five Years from that Date, with Interest on the Principal from Time to Time remaining due, or by such other Instalments, at such Times, with such Rate of Interest, and upon such Terms as may be agreed upon between the said Company and the said Commissioners.

V. And be it further enacted, That every Security to be given to the said Commissioners as aforesaid shall be unaffected by Informality in any Meeting or Proceeding of the said Company or the Directors thereof, and shall be entitled to Priority over all other Mortgages, Charges, and Securities whatsoever created and to be created by the said Company under the said first-recited Act or this Act.

VI. And whereas certain of the Directors and Proprietors of the said Company, for the Purpose of enabling the said Company to raise Part of the Money required for the said Undertaking, and also for the Purpose of forwarding the same, have entered into certain personal Securities for the Repayment of Monies which the said Company were authorized to borrow by virtue of the said first-recited Act, and have also incurred other personal Liabilities for and on behalf of the said Company; be it further enacted, That the

Authorizing the Company to borrow of the said Commissioners.

Securities for such Loans to have Priority, and not to be vitiated.

Proprietors indemnified.

the Directors and Proprietors who now are personally liable for any Debts or Engagements of the said Company, and also any other Directors or Proprietors who shall hereafter become personally liable for any Debts or Engagements of the said Company in pursuance of any Order or Resolution or of any Request which shall hereafter be made by any General or Special General Meeting of the said Company for that Purpose, and the Heirs, Executors, and Administrators of such Directors and Proprietors respectively, shall (subject only to the Securities granted or to be granted by the said Company to the said Commissioners as herein-before is mentioned,) be indemnified and saved harmless by and out of the Assets for the Time being of the said Company from and against all Payments made or Liabilities incurred, and all Acts, Deeds, Matters, and Things executed, done, or ordered, and all Sums of Money, Losses, Costs, Charges, Damages, or Expences which such Directors and Proprietors respectively shall incur as aforesaid; and the Treasurer for the Time being of the said Company shall apply the then existing Funds, Assets, and Capital of the said Company for the Purposes of such Indemnity and Reimbursement: Provided always, that nothing herein contained shall authorize or empower the said Company to raise on the Security of the said Undertaking, or by Shares, any Sum exceeding, with their present Capital, the Sum of Thirty-five thousand five hundred Pounds.

Accounts may be made up half yearly, and Dividend declared, subject to certain Consents.

VII. And be it further enacted, That it shall be lawful for the said Company, if they think it expedient, to cause an Account to be made up twice in every Year, that is to say, on the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September*, of the Receipts and Expenditure of the said Company up to those Periods respectively; which Account shall be laid before Half-yearly General Meetings of the said Company to be held in the Months of *May* and *November* respectively; and, subject to the Provisions of the said first-recited Act and of this Act, it shall be lawful for the said Company and they are hereby empowered, from Time to Time, at any such Half-yearly General Meeting as aforesaid, or at some Adjournment thereof, to declare and make a Dividend out of the clear Profits of the said Undertaking; Provided always nevertheless, that no Dividend shall at any Time hereafter be made without the Consent in Writing of the Majority in Value of all the Proprietors who may for the Time being be subject to any personal Liability or Security whatever for or on behalf of the said Company to the Extent of Three hundred Pounds or upwards respectively.

Authorizing the Company to make Provision for Extinguishment of Debt.

VIII. And whereas it is expedient that the said Company should be authorized to make Provision for the Extinction of their Debt; be it therefore enacted, That it shall be lawful for the said Company, (subject to the Provisions herein contained, and subject and without Prejudice to the Securities, Indemnities, Rights, and Remedies of any Proprietor under personal Liability as aforesaid, or any Creditor as against the said Company,) by any Resolution, Order, or Bye Law of a Special General Meeting, to provide for redeeming and extinguishing their Debt or any Part or Parts thereof, from Time to Time, either by an Issue of new Shares, or by Allocation and Division of the said Debt or any Part thereof, from Time to Time, upon and in proportion to all the Shares for the Time being in the said Undertaking, or by an Application of the Profits of the
said

said Undertaking, in such Manner, and at such Time and Times, and subject to such Conditions and Regulations respectively as the said Company shall think advisable; and all such Resolutions, Orders, or Bye Laws, being reduced into Writing under the Common Seal of the said Company, shall be binding and conclusive on every Proprietor of the said Undertaking to all Intents and Purposes whatsoever, and shall, as against such Proprietor or Proprietors respectively, be sufficient in any Court of Law or Equity to justify any Person who shall act under the same; any thing herein or in the said first-recited Act contained to the contrary notwithstanding.

IX. And for better effecting the several Purposes aforesaid, or any of them, be it further enacted, That it shall be lawful for the said Company, by any such Resolution, Order, or Bye Law as aforesaid, to subdivide their Capital Stock for the Time being into Shares of a different Amount from those at present subsisting, or otherwise to alter the Amount of the Shares in such Capital Stock, as the said Company shall think proper; and the Owner or Owners for the Time being of every subdivided, altered, or new Share in the said Capital Stock shall have and enjoy the same Rights and Privileges, to all Intents and Purposes, in respect of such subdivided, altered, or new Share respectively, as the several Owners of Shares in the present Capital Stock of the said Company now have or enjoy by virtue of the said first-recited Act; and it shall also be lawful for the said Company, if they think proper, to create a reserved Fund for the Purposes of this Act, or to meet any Contingencies which may hereafter arise.

Company empowered by any Order to subdivide their Capital into Stock of a different Amount.

X. Provided always, and be it further enacted, That it shall not be lawful for the said Company to pass any such Orders, Resolutions, or Bye Laws as aforesaid without the Sanction of a Special General Meeting of the Proprietors of the said Undertaking, which shall be convened by Notice to be published Ten Days at least previous to the Day appointed for such Meeting in some One Newspaper published in the said County of *Cornwall*, which Notice shall specify generally the Object of such Meeting; and the Clerk for the Time being of the said Company shall, Ten Days at least before the Day appointed for such Meeting, deliver or send by the Post to or leave at the last known Place of Abode of every Proprietor in the said Undertaking a written or printed Notice of such Meeting, which shall also contain an exact Copy of every Resolution, Order, or Bye Law which it shall be intended to propose at such Meeting; and it shall not be lawful for the said Company to proceed to the Consideration of any of the Matters or Things contained in such Notices unless Proprietors entitled to Four hundred Shares at least shall be present, either personally or by Proxy, at such Meeting; but in case a sufficient Number of Proprietors shall not attend to constitute such Meeting as hereby directed, the same shall stand adjourned, as is directed by the said first-recited Act respecting General Meetings at which a sufficient Number of Proprietors shall not attend.

No such Orders shall be made except at Special General Meetings, to be convened as within directed.

XI. And be it further enacted, That for the more perfect Management and Controul of the Finances of the said Company, and in order more efficiently and regularly to carry into effect any Orders, Resolutions, or Bye Laws which the said Company may think it advisable to make for the Extinction of their Debt, or for the Creation and Management of any reserved Fund as aforesaid, the

Finance Committee to be appointed.

[Local.]

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said

said Company shall and they are hereby required, at the First Special General Meeting to be called for the Purposes and in the Manner last herein-before mentioned, or at some Adjournment thereof, to appoint a Special Finance Committee of Seven Proprietors, who shall undertake the exclusive Management and Controul of the Revenue and the Liquidation of the Debt of the said Company; and such Committee shall be originally constituted, and shall be renewed from Time to Time, and shall have such Powers and Authorities, and shall be subject to such Controul, in all respects, as the Special General Meeting appointing such Finance Committee shall direct: Provided always, that not less than Four Members of such Committee shall in all Cases be nominated by the actual Majority in Value of all the Proprietors who may for the Time being be subject to any personal Liability or Security whatever on behalf of the said Company to the Extent of Three hundred Pounds or upwards respectively.

Qualification of Directors repealed.

XII. And be it enacted, That so much of the said first-recited Act as requires that each Director shall possess in his own Right Six Shares in the said Undertaking shall be and is hereby repealed.

Qualification of Directors.

XIII. And be it further enacted, That from and after the passing of this Act all Directors who may be hereafter appointed under the Powers of the said first-recited Act or by virtue of this Act shall consist of Proprietors who shall be respectively possessed in their own Right of One hundred Pounds Capital Stock at least in the said Undertaking.

Present Directors to appoint other Directors.

XIV. And be it further enacted, That the Majority of Directors present at the First Meeting of Directors which shall be held after the passing of this Act shall elect Three Proprietors, qualified as herein-before mentioned, to be Directors in addition to the present Directors.

Future Elections of Directors.

XV. And be it further enacted, That at the General Annual Meeting which will be held in the Month of *May* One thousand eight hundred and thirty-six, or at some Adjournment thereof, One of the new Directors to be elected as aforesaid shall be chosen by Lot to vacate his Seat with the Four original Directors who will then go out of Office by Rotation, and Five Directors shall be chosen by the said Company in their Places; and at the next succeeding General Annual Meeting, or at some Adjournment thereof, another of the new Directors shall be chosen by Lot to vacate his Seat with the Four original Directors who will then go out of Office by Rotation, and their Places shall be supplied in like Manner; and at the next succeeding General Annual Meeting, or at some Adjournment thereof, the remaining new Director shall vacate his Seat with the Four original Directors who will then go out of Office by Rotation, and their Places shall be supplied in like Manner; and at all future General Annual Meetings Five Directors shall be chosen to fill the Place of those who retire by Rotation.

Proceedings of Directors when neither Chairman nor Deputy Chairman have been present.

XVI. And whereas by the said first-recited Act it is enacted that the Directors to be chosen by virtue thereof should annually elect out of their Body a Chairman and Deputy Chairman; and it has frequently happened that the Chairman and Deputy Chairman so elected as aforesaid have not been present at Meetings of the said Directors, in which Cases a temporary Chairman has been elected to preside for the Day; be it therefore enacted, That all Proceedings

which have been recorded in the Minute Book of the said Directors as duly agreed on, and which have been signed by the Director presiding in the Absence of the said Chairman or Deputy Chairman, shall be and the same are hereby declared to be as valid and effectual, to all Intents and Purposes, as if such Chairman or Deputy Chairman had been personally present; any thing to the contrary notwithstanding.

XVII. And be it further enacted, That at every future Meeting of Directors at which the Chairman or Deputy Chairman of the Directors elected or to be elected by virtue of the said first-recited Act shall not attend, the Directors present shall elect One of their Number to be Chairman for the Day, and all Acts done at any such Meeting shall be as valid as if such Chairman or Deputy Chairman had been present; and the Chairman so elected for the Day shall have the same Powers, in all respects, as are vested in the Chairman and Deputy Chairman appointed or to be appointed by the said first-recited Act. Chairman of Directors.

XVIII. And be it further enacted, That it shall be lawful for the said Directors, if they shall think it expedient, from Time to Time and at any Time hereafter, to nominate and appoint out of their own Body, or from the Proprietors at large, a Committee or Committees, who shall have full Power and Authority to do, execute, and perform all Matters and Things which shall be confided to them by the said Directors; and it shall be lawful for the said Directors, by an Order or Resolution for that Purpose, to break up and dissolve any Committee or Committees which shall have been appointed by them respectively, or to remove and displace any Member of such Committee or Committees, and to appoint another in his Place and Stead, when and as often as such Directors shall think proper; and such Committees respectively shall act in all Things under the Controul and be subject to the Instructions of the said Directors, and shall have Power to meet from Time to Time, and to adjourn from Place to Place, as they shall think proper and as Occasion shall require; and at all Meetings of the said Committees, Three Members shall be capable of acting, and One of such Members shall be appointed Chairman, and shall be entitled to vote on all Questions, and in case of an Equality of Votes in the said Committee shall have an additional or casting Vote; and a Record of the Proceedings at every Meeting of the said Committees shall be entered in a Book or Books to be provided for that Purpose, and shall be signed by the Chairman of such Meeting. Directors may appoint Committees.

XIX. And whereas the said Company were in and by the said first recited Act authorized and empowered to make a certain Branch Line of Communication with the Main Line of Railway, either by means of a Railway or Railways or common Carriage Roads, with proper Works and Conveniences attached to or connected with the same, commencing in the Parish of *Egloshayle* in the said County of *Cornwall* at or near to the Junction of the River *Camel* with the River *Ruthern*, passing by a Bridge across the said River *Camel*, and extending to the Road from *Polbrock* to *Ruthern Bridge*, all in the said Parish of *Breoke*: And whereas the Owners and Occupiers of the Land in the Vicinity of the said Branch Line having applied to the said Company to make a partial Deviation and Extension of the proposed Line; the said Branch Railway.
Company,

Company, with the Consent in Writing of the several Persons through whose Lands the same were made, have accordingly made and completed a partial Deviation and Extension of the Branch which they were so authorized to make, and it is expedient that the Branch Railway so made should be deemed and taken to be a Part of the Railway authorized to be made by the said first-recited Act; be it therefore enacted, That the Branch Line of Railway so made and completed from the Main Line of Railway near the Junction of the Rivers *Camel* and *Ruthern* to *Ruthern Bridge* shall be and be deemed and taken to be a Part of the Works authorized to be made and constructed by the said first-recited Act, as fully and effectually to all Intents and Purposes as if the said Branch Line of Railway had been particularly described and authorized to be made in and by the said first recited Act.

Certain of
the Tolls re-
pealed.

XX. And whereas in consequence of the Extension of the said Branch Line of Railway to *Ruthern Bridge*, and there being no Wharf at *Ruthern River*, it has become necessary to explain and amend so much of the said first recited Act as relates to the Tolls, Rates, and Duties next herein-after mentioned (but without increasing the same); be it therefore enacted, That so much of the said first-recited Act as imposes the Rates, Tolls, and Duties following; (that is to say,) for all Sand, Lime, and Manure of any Sort which shall be loaded at any Place between *Wadebridge* and the Wharf near *Ruthern River* aforesaid, and shall be conveyed along the said Railway, and be discharged, by and at the Expence of the said Company, at the under-mentioned Wharfs or Places, the following Tolls; (that is to say,) at the Wharf near *Ruthern River* aforesaid any Sum not exceeding One Shilling and Sixpence *per Ton*; at any Place between the last-mentioned Wharf and the Wharf near *Nanstallan* aforesaid any Sum not exceeding One Shilling and Ninepence *per Ton*; at any Place between the last-mentioned Wharf and the Wharf near *Borough Bounds* any Sum not exceeding Two Shillings *per Ton*; at any Place between the last-mentioned Wharf and the Wharf near *Berrycombe* aforesaid any Sum not exceeding Two Shillings and Sixpence *per Ton*; at any Place between the Wharf near *Nanstallan* aforesaid and the Wharf near *Helland Bridge* aforesaid any Sum not exceeding Two Shillings and Sixpence *per Ton*; at any Place between the last-mentioned Wharf and the Wharf near *Tresarrett Bridge* aforesaid any Sum not exceeding Two Shillings and Ninepence *per Ton*; at any Place between the last-mentioned Wharf and the Wharf near *Wenford Bridge* aforesaid any Sum not exceeding Three Shillings *per Ton*; shall be and the same is hereby repealed.

Tolls to be
taken.

XXI. And be it further enacted, That it shall be lawful for the said Company, from Time to Time and at all Times hereafter, to ask, demand, take, recover, and receive, or cause to be asked, demanded, taken, recovered, and received, to and for the Use and Benefit of the said Company, for the Carriage of all Sand, Lime, and Manure of every Sort which shall be loaded at any Place between *Wadebridge* and the Junction of the *Ruthern* Branch of the said Railway with the Main Line, and shall be conveyed along the said Railway, and be discharged, by and at the Expence of the said Company, at the under-mentioned Wharfs or Places, the following Tolls; (that is to say,)

At any Place between the Junction of the said *Ruthern* Branch
with

with the Main Line of Railway and the Wharf near *Ruthern Bridge*, any Sum not exceeding One Shilling and Sixpence *per Ton* :

At any Place between the said Junction and the Wharf near *Nanstallan* aforesaid, any Sum not exceeding One Shilling and Nine-pence *per Ton* :

At any Place between the last-mentioned Wharf and the Wharf near *Borough Bounds*, any Sum not exceeding Two Shillings *per Ton* :

At any Place between the last-mentioned Wharf and the Wharf near *Helland Bridge* aforesaid, any Sum not exceeding Two Shillings and Sixpence *per Ton* :

At any Place between the last-mentioned Wharf and the Wharf near *Tresarrett Bridge* aforesaid, any Sum not exceeding Two Shillings and Nine-pence *per Ton* :

At any Place between the last-mentioned Wharf and the Wharf near *Wenford Bridge* aforesaid, any Sum not exceeding Three Shillings *per Ton* :

At any Place between the Junction of the *Bodmin* Branch with the Main Line of Railway and the Wharf near *Berrycombe* aforesaid, any Sum not exceeding Two Shillings and Sixpence *per Ton*.

XXII. And for better ascertaining the Tonnage of Sea Sand which may be carried on the said Railway, be it enacted, That for the Purposes of this and the said first-recited Act Eleven Sacks of such Sand, each Sack containing Sixteen Gallons Imperial Measure, shall be deemed and taken to be One Ton, any thing to the contrary notwithstanding.

Declaring the Quantity of Sand to be deemed a Ton.

XXIII. And be it further enacted, That it shall be lawful for the said Company, from Time to Time, by any Instrument in Writing under their Common Seal, to let or demise, for any Term in Possession not exceeding Forty Years, or from Year to Year, or for any less Period than a Year, and at any Rent, and upon any Terms or Conditions which may be thought proper, all or any Part of their Public Wharfs, Quays, Landing Places, Cranes, Weighing Machines, or Warehouses, and the Tolls payable in respect or for the Use of such several Premises or any of them ; and during the Terms so to be granted respectively the several and respective Lessees or Tenants, and their Agents and Servants, shall be deemed and taken to be Collectors appointed by the said Company, and shall, in respect of the Premises demised, respectively have such or the like Powers and Authorities (unless specially restrained), and be subject to such or the like Provisions, as the said Company would by virtue of the said first-recited Act or this Act for the Time being have had and been subject to respectively if such Demises respectively had not been made.

Company empowered to lease Wharfs, &c.

XXIV. Provided always, and be it further enacted, That as long as any Principal Sum of Money or any Interest shall remain due from the said Company to the said Commissioners for the Issue of Exchequer Bills, every Demise which shall be made by the said Company by virtue of this Act for any Term exceeding One Year shall be approved by the said Commissioners, such Approbation to be signified by an Indorsement or Memorandum on the Indenture of Demise under the Hand of the Solicitor or Secretary for the Time being of the said Commissioners.

Till the Exchequer Loans are repaid, no Demise for more than a Year, without Consent of Commissioners.

XXV. And whereas the District through which the said Railway is constructed is supplied by means thereof with Sea Sand, which is the

[Local.]

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Staple

Recovery of Small Debts due to Company.

Staple Manure of the Country, and in order to accommodate the Consumers thereof the said Company may find it expedient to give Credit to such Consumers, but in that Case the said first-recited Act will not provide a sufficient Remedy for the Recovery of any Rates, Tolls, or Duties, being less than the Sum of Ten Pounds, the Amount of which may be disputed, or the Payment of which may be neglected or refused; be it therefore enacted, That in all Cases in which the said Company, or their Agents or Servants duly authorized in that Behalf, shall give Credit to any Person or Persons for the Amount of the Rates, Tolls, or Duties authorized and made payable for the Use of the said Railway, or for the Carriage of any Matter or Thing thereon, and such Person or Persons shall neglect or refuse to pay the Amount of such Rates, Tolls, or Duties at the Time or Place appointed, or in case such Person or Persons shall dispute the Amount which may be claimed by the said Company, then and in every or any such Case, if the Sum or Sums of Money claimed by the said Company shall not exceed the Sum of Ten Pounds, the Amount which shall be due to the said Company shall be ascertained by some Justice of the Peace for the said County of *Cornwall*, who, upon Application made to him for that Purpose, shall examine the said Matter upon the Oath of the Parties or other Witness or Witnesses; and such Justice shall determine if any and what Sum shall be due to the said Company; and such Justice shall also award such Costs to be paid by either of the Parties as he shall think just; and in case of Nonpayment of the Amount of the Debt and Costs awarded by such Justice, or either, on Demand, the same shall be levied by Distress and Sale of the Goods and Chattels of the Party directed to pay the same respectively, by Warrant under the Hand and Seal of such Justice.

Repeal of
the Clause
relating to
Bye Laws.

XXVI. And whereas by the said first-recited Act it is enacted, that the said Company should have Power and Authority from Time to Time, at any General or Special General Meeting, to make such Rules, Orders, and Bye Laws as to them should seem right and proper, for the good Government of the Officers and Servants of the said Company, and for regulating the Proceedings of the Directors, and for the Superintendence and Management of the said Undertaking in all respects whatsoever, and from Time to Time to alter or repeal such Bye Laws, Orders, and Regulations, or any of them, and to make others, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against the same as to the major Part of the Proprietors composing such Meeting should seem meet, not exceeding the Sum of Five Pounds for any Offence, such Fines and Forfeitures to be levied and recovered by such Ways and Means as are herein-after mentioned; which said Rules, Bye Laws, and Orders, being reduced into Writing under the Common Seal of the said Company, and printed and published, and painted on Boards, should be hung up and affixed and continued on the Front of the several Toll Houses to be erected on the said Railway and Wharfs, and should from Time to Time be renewed as often as the same or any Part thereof should be obliterated, defaced, or destroyed: And whereas it is expedient that the said recited Provision should be altered and amended; be it therefore enacted, That so much of the said first-recited Act as requires that the Bye Laws, Orders, and Rules therein mentioned shall be
painted

painted on Boards, and hung up and affixed as therein mentioned, shall be and the same is hereby repealed.

XXVII. And be it further enacted, That the Bye Laws, Rules, and Orders of the said Company, made or hereafter to be made by virtue of this or the said first-recited Act, for the Superintendence and Management of the said Undertaking, or for regulating the general Use of the said Railway and Works, being reduced into Writing under the Common Seal of the said Company, and printed and published, shall, as to such and so much of the said Bye Laws, Orders, and Rules as shall be of a public Nature, and shall relate to or affect other Persons than the Proprietors or Officers and Servants of the said Company, be painted on Boards, or legibly printed on Paper affixed to Boards, and shall be hung up and affixed and continued on the Front or other conspicuous Part of the several Toll Houses or Offices, and on the several Wharfs on the said Railway, and on the other Buildings or Places on the said Railway at which any Rates or Tolls shall be collected or paid under the Authority of this or the said first-recited Act, and shall from Time to Time be renewed as often as the same or any Part thereof shall be obliterated or destroyed; and such Bye Laws, Orders, and Rules, whilst so hung up and affixed and continued as aforesaid, but not otherwise, shall be binding upon and be observed by all Persons, and shall be sufficient in all Courts of Law or Equity to justify all Persons who shall act under the same; provided that such Bye Laws, Orders, and Rules be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain and Ireland* called *England*, or to any Directions in this or the said first-recited Act contained; and in all Cases of Prosecution for Offences against the said Bye Laws, Orders, or Rules it shall be sufficient to prove that a printed Paper or painted Board, containing a Copy of such of the Bye Laws, Rules, or Orders as, being of a public Nature, shall subject any Person to any Fine or Penalty, hath been affixed and published in manner by this Act directed, and in case of its being afterwards displaced or damaged hath been replaced as soon as conveniently might be, unless Proof shall be adduced by the Defendant that such printed Paper or Board does not contain a Copy of such Bye Laws, Orders, or Rules, or hath not been duly affixed and generally continued in manner by this Act directed.

Publication
of Bye
Laws.

XXVIII. And whereas certain Parts of the said Railway and Works are constructed within the Limits of the Borough of *Bodmin*, and it is expedient that all Powers and Authorities which are by the said first-recited Act or by this Act given to any One or more Justice or Justices of the Peace for the County of *Cornwall* shall be extended to the Mayor and all Justices acting within and for the said Borough of *Bodmin*; be it therefore enacted, That in every Case in which any Power or Authority is given to any Justice or Justices of the Peace for the said County of *Cornwall* it shall be lawful for the said Mayor and Justices of the said Borough of *Bodmin* to act within their Jurisdiction, as fully and effectually, to all Intents and Purposes, as if the said Mayor and Justices had been expressly named in the said first-recited Act or this Act.

Extension of
Powers to
Mayor and
Justices of
the Borough
of *Bodmin*.

XXIX. And be it further enacted, That no Person shall be deemed incompetent to give Evidence or be disqualified from giving Testimony

Officers of
the Company
may be Wit-
OR nesses.

or Evidence in any Action, Suit, Prosecution, or other legal Proceedings to be brought or had in any Court of Law or Equity, or before any Justice of the Peace under or by virtue of this or the said first-recited Act, by reason of being a Farmer, Lessee, or Collector of such Tolls, Secretary, Clerk, Engineer, or other Officer or Servant of the said Company; nor shall such Testimony or Evidence for any of the Reasons aforesaid be rejected or liable to be questioned or set aside.

XXX. And whereas by the said first-recited Act it is enacted, that all and every the Provisions, Matters, and Things therein contained, relating to the said Railway, shall extend and be construed to extend to the Branches thereby authorized to be made, in as full and ample a Manner as if the said Branches had been particularly mentioned and specified; be it further enacted, That the said Provisions, Matters, and Things in the said first-recited Act and in this Act contained shall extend and be deemed to extend in like Manner to the Wharfs and all other Works which have been or shall hereafter be constructed by virtue of the said first-recited Act or this Act.

XXXI. And whereas it is by the said first-recited Act enacted, that the Sum of Twenty-two thousand five hundred Pounds should be subscribed or provided in manner therein mentioned before any of the Powers given by the said recited Act should be put in force, and it may be expedient that the Species of Evidence which the said Company may be required to produce for the Purpose of proving the same should be pointed out; be it therefore enacted, That a Certificate under the Hand and Seal of any Justice of the Peace for the said County of *Cornwall*, that the whole of the said Sum of Twenty-two thousand five hundred Pounds hath been subscribed or provided as aforesaid, (and which Certificate such Justice is hereby authorized and required to grant on Application made to him by the said Company,) shall for all Purposes whatsoever be conclusive Evidence that the whole of the said Sum of Twenty-two thousand five hundred Pounds has been so subscribed or provided.

XXXII. And be it further enacted, That all the Costs, Charges, and Expences of obtaining and passing this Act, and all other Costs, Charges, and Expences in any way incident thereto, shall be paid and defrayed by the said Company out of the Money already raised and received, or out of the first Money to be raised or received by virtue of the said first-recited Act or this Act, in preference to any other Payment whatever, except any Payments due or to become due to the said Commissioners for the Issue of Exchequer Bills in aid of Public Works.

XXXIII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

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Extending
the Provi-
sions to
Wharfs and
all other
Works.

Declaring
what shall
be Evidence
that the
Capital is
duly sub-
scribed or
provided.

Expences of
the Act.

Public Act.